

Meeting of 2006-9-12 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
SEPTEMBER 12, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr. Also Present:
Presiding Greg Buckley, Assistant City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Don Howard, Holy Lutheran Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two

 Janice Drewry, Ward Three
 Keith Jackson, Ward Four

Robert Shanklin, Ward Five
 Jeff Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PROCLAMATION FOR FAMILY DAY 2006, A DAY TO EAT DINNER WITH YOUR CHILDREN

Mayor Purcell proclaimed Monday, September 25, 2006 as Family Day 2006, a Day to Eat Dinner With Your Children and encouraged all citizens to recognize the significance of this date and its observance.

PROCLAMATION FOR PTA MEMBERSHIP ENROLLMENT MONTH

Mayor Purcell proclaimed the month of September 2006 to be PTA Membership Enrollment Month and encouraged everyone who cares about the well being of Lawton's children to join a local PTA unit and become an advocate for children.

PROCLAMATION FOR PARTNERSHIP FOR WORKING TOWARDS INCLUSIVE COMMUNITIES

Mayor Purcell stated the National League of Cities is working to have inclusive cities because we are so diverse in our many cities. He stated Lawton is going to take part in that program. Council member Shoemate has graciously agreed to be the chairman.

Mayor Purcell read the proclamation which reaffirmed the City of Lawton's commitment to the partnership for working toward inclusive communities and pledged active efforts to achieve that goal.

AUDIENCE PARTICIPATION:

Jacob Debusk, 2104 NW 19th, stated that there are a lot of people who watch the City Council on TV who are hard of hearing. He requested that the Council members please turn on their microphones.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETINGS OF JUNE 13 AND JULY 11, 2006.

MOVED by Givens, SECOND by Warren, to approve the Minutes of June 13 and July 11, 2006. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Shanklin requested item #10 be considered separately. Mayor Purcell stated item #2 needs to be considered separately.

MOVED by Warren, SECOND by Givens, to approve the Consent Agenda items as recommended with the exception of items #2 and #10. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Michele Hall in the amount of \$500.00, Francis Drapeau in the amount of \$924.73. Exhibits: Legal Opinions/Recommendations, Resolution No. ____, Resolution No. ____.

2. Consider the following damage claims as recommended for denial: Felix Martinez in the amount of \$100.00, Sandra & Denfield Tillett in an unspecified amount. Exhibits: Legal Opinions/Recommendations.

Vincent stated that staff has received additional information on the Felix Martinex claim and requested the item be stricken off the agenda. It will be placed back on the agenda when staff finishes their investigation. He recommended the Tillett claim be denied.

MOVED by Givens, SECOND by Jackson, to strike claim of Felix Martinez and deny the claim of Sandra and Denfield Tillett. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution approving a tentative settlement in the case of Rachel Burton v. City of Lawton, CJ-2005-825, District Court of Comanche County, in the amount of Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$6,750.00), and authorize the City Attorney to execute the necessary documents. Exhibits: Resolution 06-____.

4. Consider approval of amended agreement with Carlos Guedes of Carlos Guedes Trio as a performer at the 2006 International Festival and authorize the Mayor and City Clerk to execute the amended agreement. Exhibits: Amended agreement on file in City Clerk s office.
5. Consider accepting the NW Ashby Avenue & NW Ferris Avenue Street Reconstruction Project #2005-1 as constructed by A.E. Construction Co. and placing the Maintenance Bond into effect. Exhibits: None.
6. Consider adopting Street Light Resolution No. 447 to authorize the installation of street lights at various locations listed in the Resolution. Exhibits: Street Light Resolution No. 447.
7. Consider adopting a Resolution authorizing the installation of traffic control measures on West Gore Blvd. at 27th & 31st Street intersections, NE Kingsbriar Drive at East Cache Road, and SW D Avenue between 9th Street and 10th Street. Exhibits: Traffic Commission Minutes, Traffic Issue Requests, and Resolution No. 06-__.
8. Consider accepting an agreement with Singleton & Associates, Inc. for appraisal services, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Agreement is on file in the City Clerk s office.
9. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to the serve the 23rd/26th Avenue Upgrade Project, City of Lawton, Comanche County, Oklahoma. Exhibits: None.
10. Consider approving a professional services agreement with Chiang, Patel & Yerby, Inc., for review of subdivision plats. Exhibits: Professional Services Agreement.

Shanklin questioned if they approve this agreement, would they have to raise revenue fees to cover the increased costs of the outsourcing review of subdivision plats.

Buckley stated one of the issues staff has been dealing with the building community is the speed that staff is able to process development reviews. He stated if they need to look at the fees, they will bring back an item with regards to the additional cost of adding this service.

Shanklin stated they need to look at this issue.

Buckley stated the City Council would have to approve a fee increase.

Jackson stated he is in favor of expediting the building plans of the developers and builders in town, but about a year ago he requested the hiring of additional people to take care of this problem and he does not understand why they are contracting this out.

Buckley stated it is difficult to hire professional individuals, but within the budget the City Council approved a plans examiner and an additional planner. The planner s function was to assist in the BRAC issue and the plans examiner would deal with building permits.

Givens stated he though they were trying to hire some engineers for this purpose, and they haven t been able to get anyone hired.

Jackson stated he specifically remembers asking that the item be made to hire a plans examiner or an engineer to expedite the information submitted by builders. It came back that staff would like to divide it into two areas, one for a plans examiner and one for a planner. They are still not able to expedite building plans.

Warren stated we are talking about building permit plans versus subdivision plans. They did hire some people who are helping with the building permit side.

Mayor Purcell stated the City Manager has told him they cannot find anyone to do subdivision plats. He has advertised all over.

Givens stated in a memo put out by the planning commission last week it was stated that they tried to hire an engineer and he turned them down.

Keegan Ledford, City Planning Commissioner, stated they recognize the problems they have had with delays with developments. He stated Larry Wolcott is the only staff. He stated the CPC has drafted something that will come before the City Council that will be good for development and the speed of getting that done. He stated the city has had some problems hiring a civil engineer. Where they are having the problem is in developments. They thought about outsourcing to a firm that could look at those plans and get it back to the city. The community group of developers are more than willing to pay more for an inspection fee so we could get started in those plans. They think this is the best thing to do right now. The plans are to hire an additional civil engineer. If that takes a year, they will still have some help getting those plans out which will generate more revenue for the city.

MOVED by Shanklin, SECOND by Shoemate, to approve the professional services agreement with Chiang, Patel & Yerby, Inc., for review of subdivision plats. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

11. Consider accepting an 8-inch waterline and easement to serve the Hospice Center located at 1001 SE 36th Street. Exhibits: Location Map. Easement on file in City Clerk s Office.
12. Consider approving the construction plat for MacArthur Park Addition, Part 8, subject to conditions. Exhibits: Plat Map.
13. Consider approving the construction plat for Eisenhower Village Addition, Part 11, subject to a condition. Exhibits: Plat Map.
14. Consider extending the contract (CL05-004) Repair Clamps, Bell Joint Clamps & Steel Couplings with Water Products of Oklahoma, Inc. of Owasso, OK. Exhibits: Department Recommendation, Contract Extension Form.
15. Consider extending the contract (CL06-010) Testing Services with Standard Testing and Engineering Company of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form.
16. Consider extending the contract (CL06-011) Red-Mix Concrete with Lawton Transit Mix, Inc. of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form.
17. Consider extending the contract (CL06-005) VHF/UHF Portable & VHF/UHF Mobile Radio Equipment with Lawton Communications of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form.
18. Consider approving appointments to boards and commissions. Exhibits: None
19. Consider approval of payroll for the period of August 14 27, 2006. Exhibits: None.

OLD BUSINESS ITEMS:

20. Consider the following damage claim recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Walter and Fannie Harkless in the tabled amount of \$1,952.50 from August 8, 2006 council meeting. Exhibits: Legal Opinion/Recommendation and Resolution No. ____.

Vincent stated staff did re-examine this claim and they did visit with the plumber. This was a backup that occurred because the service line collapsed due to a sink hole. This service line was reconnected by the city in 2002 and subsequently collapsed. Normally plumbers put a one year warranty on their work, but due to the sink hole it is a different situation with faulty workmanship. Staff is recommending the payment of \$1,500 which is the actual cost of replacement.

MOVED by Drewry, SECOND by Jackson, to adopt **Resolution 06-144** approving the claim of Walter and Fannie Harkless in the reduced amount of \$1,500. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

NEW BUSINESS ITEMS:

Mayor Purcell stated Councilmember Shanklin has requested item #29 be stricken and the City Manager has requested to strike item #33. He stated item #33 will be brought back in two weeks.

Givens stated that unless the pay plan has gone to the Employee Advisory Committee for their input, he is not going to vote on the issue in two weeks. He questioned if two weeks was enough time for the EAC to review the plan.

Buckley stated this is not the final draft.

Givens stated he did care if it was the final or not, he just wanted the EAC to have enough time to comment on the proposed job reclassification.

Buckley stated the next meeting of the EAC is the following Thursday. The information that has been provided to the City Council from the last meeting was provided to the EAC.

Givens stated he understood it was just provided to them last week.

Buckley stated this was the revision with regards to the meetings with the Department Directors and inputting the clerical positions into the pay plan.

Givens stated over a year ago he asked the Human Resource Director to take any issues to the EAC for their review and input before it comes to the City Council. He said that would be no problem. He wants to see that this is not a problem again.

Buckley stated they have provided the information to the EAC and they have been allowed to provide feedback to the City Manager, HR Director and himself through the entire process. Employees have had the opportunity to make comments through the EAC as well as to go through management and provide that feedback through the division and department head.

Givens stated that employees obviously don't feel they were given that opportunity or they wouldn't be signing a petition. They need ample time to look at it.

Drewry stated they need the opportunity to understand what their job qualifications are.

Mayor Purcell stated he believes the Assistant City Manager has the message.

Shanklin questioned if there was a deadline.

Buckley stated no.

Shanklin stated the City Council would like to have time to look at it.

Buckley stated they started out with presenting the concept. At that discussion, he presented that they would go through each step and phase of the process. They are not just modifying the existing pay plan, they are actually creating a new pay structure. Staff would bring each milestone back to the City Council for approval of the concept. They then put the categories together and the definitions of the categories. Each step was presented to the EAC for their review and comments prior to coming to Council. The next step was the placement of the positions within the categories. Again that went to the EAC and then to the City Council. They then placed the definition of the grades within the categories. This is just the next step of taking those employees, reviewing the job descriptions and placing them in the grade categories that was defined. They have been working on that for six months. This is not final, but just the next milestone.

Drewry stated that sometimes when you work with directors, the information does not get down to all of the people that it needs to. She would like to make sure that every city employee knows exactly what their job classification is and where they stand.

Jackson stated that it is obvious from this petition that there are employees who have not had that opportunity.

Givens stated we cannot deal with each employee individually, but they certainly can put this before the committee that represents them, and give them an opportunity to review this and formally respond and note their objections.

Warren stated he would like to have a representative from the EAC actually say that they have actually discussed the plan before the City Council votes on this issue.

Buckley stated he did meet with John Thomas the previous day with regards to the petition. The petition was not circulated by or through the EAC. This was a separate group of employees who did not take the avenue of speaking with their representatives from the EAC or the management side. There is just not enough time to deal with every employee and every issue that they may or may not have. They have tried to maintain the integrity of the structure in dealing with the department directors and relying on them to meet with division heads who will meet with employees.

21. Hold public hearings and adopt resolutions declaring the structures at: 508 N.W. Arlington Avenue, 2108 N.W. Bessie Avenue, 914 S.W. Summit Avenue, 1214 N.W. Williams Avenue, 2332 N.W. Lincoln Avenue and 206 N.W. 3rd Street to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Six Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Mayor Purcell stated they need to strike 914 SW Summit.

508 N.W. Arlington Avenue

Mayor Purcell stated they have all received an email from Bob Ross requesting six months.

Warren questioned if they could go ahead and have the public hearing and then table this issue.

Jackson stated he does not want to give him six months.

Warren suggested they give him two weeks.

PUBLIC HEARING OPENED.

MOVED by Shanklin, SECOND by Warren, to continue the public hearing for two weeks and bring this property back on September 26th. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

2108 NW Bessie : Griffith presented photographs of the property. The structure has been without utilities since June 2000 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Shoemate, to approve **Resolution No. 06-145** and declare the structure at 2108 NW Bessie to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

1214 NW Williams : Griffith presented photographs of the property. The structure has been without utilities since September 2004 and is vacant. The exterior surface lacks protective treatment. Exterior walls have holes.

PUBLIC HEARING OPENED.

Jacob Debusk stated he is on the Mayor's task force to clean up zone one and he is also on neighborhood watch. He stated there are school children who mingle around this property and he feels that it is hazardous to the neighborhood.

PUBLIC HEARING CLOSED.

MOVED by Givens, SECOND by Warren, to approve **Resolution No. 06-146** and declare the structure at 1214 NW Williams to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

2332 NW Lincoln : Griffith presented photographs of the property. The structure has been without utilities since September 2001 and is vacant. The exterior surface lacks protective treatment. The roof is covered with plastic and is bad shape. The City of Lawton has been doing maintenance on this property for a couple of years.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shoemate, SECOND by Drewry, to approve **Resolution No. 06-147** and declare the structure at 2332 NW Lincoln to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

206 NW 3rd : Griffith presented photographs of the property. The structure has been without utilities since August 2004 and is vacant. The exterior surface lacks protective treatment. The roof is in disrepair.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Givens, to approve **Resolution No. 06-148** and declare the structure at 206 NW 3rd to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

22. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Public to Residential/Low Density and an ordinance changing the zoning from A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification located approximately one-half mile north of NE Cache Road on the west side of NE 45th Street. Exhibits: Resolution No. 06-__, Ordinance No. 06-____, Location Map, Applications and CPC Minutes.

Richard Rogalski, Planning Director, stated this request includes approximately 100 acres, and the proposed use is single-family residential. This area is located in the mid section of the west half of the section between 45th Street north of Cache Road. The proposed land use for the area is residential/low density.

The zoning of the surrounding area is A-1 to the north, A-1 and R-3 (Multiple-Family Dwelling District) to the south, Temporary A-2 (Suburban District) and outside the city limits to the east, and R-1 to the west. On August 22, 2006, the City Council approved Ordinance No. 06-56 changing the zoning on the land at the northwest corner of NE 45th Street and Cache Road from A-1 to R-1 and C-1 (Local Commercial District). This area is shown in Buffer #2 on the Priority Buffers for Fort Sill Map prepared by Land Legacy. The applicants are Keegan and Bonnie Ledford.

On July 27 and August 10, 2006 the City Planning Commission held a public hearing on this request. During the hearing three persons spoke in favor of the request and two persons spoke against the request. The CPC, by a vote of 7 - 0, recommended approval of the request.

Jackson stated since they are doing all this rezoning low density/residential, he questioned if there has been an area designated for park land or will Mr. Ledford make payment in lieu of.

Rogalski stated there is an existing park and they are looking at payment in lieu.

Shanklin said he thought they did away with that.

Vincent stated no.

Drewry questioned if this was the buffer zone.

Rogalski stated the entire half section is within buffer zone #2. The Planning Commission felt that with all the existing residential in this area already built out, they are not getting anywhere by reducing development. The applicant has volunteered to build the houses to a higher level of soundproofing.

Patton questioned if this was in the city limits.

Rogalski stated yes.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Jackson, SECOND by Drewry, to approve **Resolution No. 06-149** and **Ordinance 06-63**, waive the reading of the ordinance, read the title only. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-63

An ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land located NW of the corner of NE Cache Road and NE 45th Street which is hereinafter more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

23. Hold a public hearing and consider an ordinance amending Sections 14-1-106 and 14-1-112, Chapter 14, Lawton City Code, 2005, amending the placement of mobile homes and amending Section 18-1-1-106, Chapter 18, Lawton City Code, 2005, amending the definition of single-family dwelling. Exhibits: Ordinance No. 06-__ and CPC Minutes.

Vincent stated staff was asked to look at the placement of trailers, whether it be residential trailers or camper trailers as residential structures in the R-1 zoning district which was suppose to be the residential single family dwelling versus the mobile home parks. This ordinance would prohibit those placements and the ones that are existing right now would be grandfathered in. No new travel trailers or mobile homes would be allowed to be placed in R-1 zoning districts within the city.

Shanklin stated they are talking about mobile homes, not manufactured housing.

Vincent stated that is correct. He is not talking about modular homes either.

Shanklin stated that is what they are after, to stop this one individual from moving trailers everywhere.

Givens stated that years ago they didn't have any ordinance prohibiting this.

Vincent stated from his research, maybe twenty five or thirty years ago there was an ordinance prohibiting the placement of mobile homes in residential areas. But somehow it got removed.

Givens stated twenty five years ago he knows they did not allow mobile homes in R-1.

Shanklin stated he believes they do not want mobile homes anywhere other than a mobile home park.

Vincent stated that is what this ordinance will accomplish.

PUBLIC HEARING OPENED.

Dan Tucker, 6916 SW Beta, stated the City Attorney mentioned recreational vehicles could not be in any residential area. He knows they can't be used as a residence, but will this preclude the parking of an RV in an area that is already there and if so, how do they determine when that was put there.

Vincent stated the storing of a travel or recreation trailer will be allowed to continue in the area.

Shoemate questioned if that does not depend on the area you live in.

Vincent stated that depends on the covenants with regard to the subdivision which is enforced by the homeowners association. The City does not enforce the covenants.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Haywood, to approve **Ordinance 06-64**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-64

An ordinance pertaining to mobile homes, amending Sections 14-1-106 and 14-1-112, Article 1, Chapter 14, Lawton City Code, 2005, by amending the placement of mobile homes and amending Section 18-1-1-106, Division 1, Article 1, Chapter 18, Lawton City Code, 2005, by amending the definition of a single-family residential structure and providing for severability.

24. Consider approval of transferring \$25,000.00 from the Mayor & City Council Account 230 Contingency, to Activity Fund # 42, Account 104, Contract Labor within the Parks and Recreation Department to fund the Prevention Program Specialist at the H.C. King Community Center. Exhibits: Copy of Prevention Program Specialist Job Description.

Givens stated he requested this because previously the City Council passed a resolution supporting after schools programs and improving outcomes for children and youth. The H.C. King Center is the only recreation center in town that only has one person and this would use these funds, on a temporary basis, this year only. In the budget, the City Council placed \$25,000 in the Mayor/Council contingency for after school programs. This would provide a Prevention Program Specialist at the H.C. King center to help the supervisor for 30 hours a week with their programs. He stated he was there for a neighborhood watch meeting a month ago and there were about 60 young men hanging around with nothing to do. He feels this money would be spent on after school programs.

Shanklin stated he cannot support this for several reasons. He feels that we are not in this business. He stated we have streets that have chug holes. The United Way spends over \$1 million for Head Start, Success by Six, Boy Scouts, Girl Scouts, Salvation Army, Marie Detty and other programs. He just does not think this is our purview. He suggested that there are employees in the Park Department that can go over and do this that have these qualifications.

Shoemate stated he feels we need more of these kinds of things. A lot of the schools don't have booster clubs and there are one parent families who are not involved in the PTA or booster clubs and we wonder why our kids are getting into trouble.

Shanklin stated he does not believe that \$25,000 will affect these kids. They do not want supervision. He stated over five years ago the YMCA put out over 5,000 applications for latch key kids to use the facility at no cost and they received only a dozen applicants. They want to go to a parking lot where no one will tell them what to do.

MOVED by Givens, SECOND by Drewry, to approve funding the Prevention Program Specialist position within the Parks and Recreation Department to include transferring \$25,000.00 from the Mayor & City Council Account 230 Contingency, to Activity Fund # 42, Account 104, Contract Labor. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton, Haywood. NAY: Shanklin. MOTION CARRIED.

25. Consider renaming SW Garfield Avenue between SW 15th Street and SW Sheridan Road to Dr. Charles W. Whitlow Avenue. Exhibits: Letter from Union Baptist Church.

Mayor Purcell stated he was told that this item has not gone to the Parks and Recreation Board who is suppose to be involved in making the recommendation to the City Council on renaming of streets. To follow the appropriate procedure he suggested they table this item.

Haywood suggested that instead of 15th Street it be amended to 11th Street and Garfield to Sheridan and Garfield.

Warren stated he does not have a problem in renaming streets but in the past they have done only three or four block areas. He suggested if they are going to rename a street they do it from arterial to arterial, which will be much clearer to emergency personnel.

MOVED by Haywood, SECOND by Drewry, to refer this request to the Parks and Recreation Commission. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Haywood, Warren. NAY: None. ABSENT: Patton. MOTION CARRIED.

Haywood exited the meeting at 7:10 p.m.

26. Consider approving the expenditure of funds from the 9-1-1 cellular service account and amending the Communications Budget for FY 2006-2007. Exhibits: Memo from Emergency Communications Supervisor Derrell Morgan and Spread Sheet showing current balance, expected revenues, and requested expenditures.

Derrell Morgan, Emergency Communications Supervisor, stated they are trying to get this cellular service up and running. A lot of this money will go to the CAD vendor and AT&T who will come in and do what they need to do to enhance the cellular service. The other item is related to the additional console.

Warren questioned if Mr. Morgan had any idea when cellular 911 would be on line.

Morgan stated AT&T uses a standard rule of six months. As part of the legislation, the cell phone companies have up to six months to start providing the information we need.

Givens questioned the purpose of the two consoles.

Morgan stated they are replacing one console because the current ones are between 9-12 years old. They need to be replaced.

Mayor Purcell stated the two new consoles have to do with the next item has to do with the merger. This will be a replacement console for those they already have.

Shanklin questioned the cost of a console.

Mayor Purcell stated that will be discussed in the next item.

MOVED by Jackson, SECOND by Givens, to authorize staff to proceed with the purchase of equipment and services outlined in Exhibit A. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Warren, Shoemate. NAY: None. MOTION CARRIED.

27. Consider approving an expansion of the Emergency Communications Center to support the combined E-911 and Cellular Operations. Exhibits: Memo from Emergency Communications Supervisor Derrell Morgan Diagram of the current facility and one of the proposed facility after the expansion.

Morgan stated this is broken into three different steps. The first is to expand the center sixteen feet. The estimate was put together by building maintenance. He is hoping to come under the target estimate of \$9,000. The second step would be to look at the current electrical system. They received an estimate of \$10,000 to cover the upgrades. He hopes to come under that estimate. The third step would be to pay for a secure storage facility for Revenue Services to replace some lost space. The estimates range from \$2,800 to \$4,000.

Mayor Purcell clarified that the \$23,000 is for the expansion of the rooms to make them bigger to accommodate the new consoles. There is no money in this budget to purchase the new consoles.

Warren clarified that all these items will be bid. This is just discussion regarding what it could cost.

MOVED by Givens to table this item.

Motion failed due to a lack of a second.

MOVED by Warren, SECOND by Jackson, to approve and authorize staff to expand the communications center to meet future needs and to purchase a storage facility to replace space lost by revenue services. AYE: Jackson, Shanklin, Patton, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

28. Consider taking action to provide water to Cache Creek below the dam at Lake Ellsworth. Exhibits: Minutes from the City Council meeting of September 12, 2000.

Shanklin stated the City Council provided this water six years ago and we may want to be a good neighbor. He does not know how much rain they received this weekend or if the creek is running.

Mike Johnson, Assistant Director of Engineering, stated there is approximately a six mile section of Cache Creek from Lake Ellsworth to the north boundary of Fort Sill that does not receive flow from upstream because of the Lake Ellsworth dam. Ranchers from that area have requested the release of water to help remove stagnant water from the creek itself. In 2000 water was released from the dam to flush the creek. At that time approximately 400,000 gallons per day were released for about one week. The lake elevation at that time was down about 2.49 feet and they were not pumping from Waurika. The current elevation is 1222.32 which is about 12.68 feet from the top of the gates and they are pumping from Waurika. The available water supply from our lake at this time is approximately 31 months. The current pumping rate from Waurika to Ellsworth is approximately 22.4 million gallons per day. The pumping cost on that segment is .11 per thousand gallons. In August they pumped 694,000 gallons and the cost was approximately \$75,000. It is estimated that 5-10 million gallons would be required to flush the stagnant water from the creek. There is a 2-inch valve that could be opened on the south side of the dam which could flow 600,000 to 700,000 gallons a day. Water could be released for a week and the downstream condition monitored. The City Council could charge the raw water rate which .75/1,000 gallons or just the pumping electrical cost which are .11/1,000 or they may wish to waive all fees.

Vincent stated the Director of Plans and Programs for the Water Resources Board contacted Ihler about the flow into the lake down east Cache Creek and some other tributaries. Based on a statute that she found, she says it is our obligation to allow part of the natural flow of the lake to flow out. After a discussion about this being a fully owned city lake and not a state controlled lake, that statute does not apply. She did say that the release of water is totally a matter of the city's concern, but we would be good neighbors if we would do this. She is not going to waive her authority to impose this other statute if it comes to past.

Shanklin stated we are looking at some litigation problems and we could be a good neighbor. He would suggest we turn the water loose for two days and then go look at Cache Creek.

Vincent stated if we open it for two days that would satisfy the Oklahoma Water Resources Board.

Warren stated he is concerned because we have some real issues with our water supply. He does not oppose us being a good neighbor and they previously discussed allowing them to pull that water out of the lake with a tanker truck. He cannot imagine during a time of drought that they would run water down a creek that is basically dry. It is going to perk thousands of gallons of that needed water into the base of the creek and evaporate. He feels it would be more efficient to move that water there in a tanker and put it where it needs to be.

MOVED by Shanklin, SECOND by Drewry, to direct staff to provide water to Cache Creek from below the dam at Lake Ellsworth for two days opening the 2-inch valve at no charge. AYE: Shanklin, Patton, Shoemate, Givens, Drewry, Jackson. NAY: Warren. MOTION CARRIED.

29. Discussion of administrative powers of Mayor, City Manager and City Attorney. Exhibits: None.

This item was stricken.

30. Consider discussions related to water leaks and adjustments regarding Section 22-2-1-215, Lawton City Code, 2005, and if necessary, take appropriate action. Exhibits: None.

Vincent stated at the August 22nd meeting, the City Council wanted to discuss the adjustment to leak policy. Currently adjustment of leaks not to exceed \$500 are within the purview of the Finance Director. Those over \$500 must come to the City Council. There is no restriction on where the leaks take place other than they have to be undiscovered underground leaks. He stated the City Council indicated they wanted to possibly restrict this to residents of properties inside the city limits only.

Mayor Purcell clarified that this only applies to residential. He questioned where it said that in the ordinance.

Vincent stated that is not in there. He stated the City Council directed him to bring back the ordinance as it currently exists for further discussion.

Warren stated he wanted to see if the City Council was willing to direct staff to make this apply to individual residential customers only in the city limits. He stated a lot of the things they are seeing are commercial entities that should be responsible for their own infrastructure. When they accept that part of the responsibility, the upkeep and the possible loss should be their responsibility. He believes that when this was originally written, it was written for that residential customer, at his house, that has a problem. He feels they strayed away from that.

Vincent questioned if they wanted to include duplexes.

Shanklin suggested it be any meter.

Warren stated when they start moving into duplexes they get to a place where there may be an apartment complex with a campus setting and their infrastructure is leaking. He does not believe it should be the responsibility of the citizens of Lawton to foot the loss of water because they did not keep their lines up.

Mayor Purcell stated it sounds like they are saying residential, single family dwelling only.

Jackson stated if the leak is undetectable, then it is a problem for even commercial owners. He does not understand why they would exclude commercial businesses.

Warren stated he does not necessarily want to exclude commercial, but he just wanted to make it for residential only, because he felt that was the original intent to help that residential customer. He just wants to make sure this is done within the city limits of Lawton and they don't do it for water associations, those who have taken on the responsibilities of the infrastructure.

Jackson stated he can understand not doing this for those outside the city limits and for water associations.

Warren stated he does not know how to distinguish between the commercial business and a campus of apartments where there is actually some infrastructure that they build into the system.

Vincent stated they want it inside the city limits only. He stated he can work on an ordinance and see where it can go. He stated it will probably be December before he can bring this back to the Council.

MOVED by Warren, SECOND by Shoemate, to direct staff to bring back an ordinance allowing adjustments for in town residents only. AYE: Patton, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

31. Consider discussions related to public easements and alleys regarding Sections 18-4-1-404.2 and 20-1-101, Lawton City Code, 2005, and City Council Policy 5-3, and if necessary, take appropriate action. Exhibits: None.

Vincent stated at the last meeting there was some discussion about amending Council Policy 5-3 as it relates to certain encroachments upon easements and rights of way and who would be responsible. He stated in Section 18-4-1-404.2 and 20-1-101, both of the sections predate Council Policy 5-3, but the policy does include the provision that says it is the property owners responsibility for any property that is placed inside an easement or right of way. They take on the burden of any loss that occurs if the City or any utility company should have to come in and do repair work in the easement or right of way. This would include street widening in front of someone's house or business.

Patton questioned if there was anything that states that you should be a foot off the easement.

Vincent stated it depends on the building. If the building is on skids it can be moved by a backhoe or tractor or if the building is on a permanent foundation.

Patton questioned a fence.

Vincent stated a fence has a fence permit and in the fence permitting process if they build across an easement, they are advised during the permitting process that if a utility company or the City has to come in and remove the fence to get in and do the work, the City or utility company does not have to

put the fence back up and if it is damaged during the removal it is the property owner's responsibility. He stated under this council policy the City is required to give the property owner, except in the case of emergency, a 48 hour notice that we are going to come in and do work or dig on their property. He has checked with Public Works and they are doing this. Until 1972 municipalities were not responsible for any damages to anyone for any reason. In 1972 the Oklahoma legislature passed the governmental tort claims act which basically states that if a private person would have been liable if the accident had occurred then the city, county or state would be liable also. They carved out 35 or 36 exceptions to that, and one of those is that there has to be negligence on the part of the employee or the City. We are not the insurer of the population. If we pay claims that we are not suppose to, the City and the Council can be held personally liable for payment of those claims.

Shanklin stated we represent those taxpayers and they are not the enemy. When we spread those losses out over everyone, it is kind of like an insurance company, we have made some good will.

Vincent stated his job as City Attorney is to find whether or not the city employee or the City itself was negligent. If it is gray, he rules in favor of the claimant. If it is black and white he can find no negligence.

Shanklin stated sometimes staff does not get the full story.

Vincent stated he appreciates when the claimant comes forward and staff can go back and look at the claim again. He feels that nothing should be changed.

Mayor Purcell stated there are two issues that are involved. One issue is do they pay the claims when they are not negligent. The other issue is fairness to all the citizens. One time someone comes up and they pay the claim, two weeks later someone comes up and they deny it. They need to be consistent.

Shanklin stated he does not know if they have been inconsistent. He has advocated that they try to help these people.

Mayor Purcell stated he is talking about easements. The resident knows that if they put something in the easement that the ordinance says that the city is not liable. He stated they ought to say yes every time or no every time.

Shanklin stated it depends on the make up of the City Council.

Vincent stated if we give notice to residents, it behooves the resident to let us know that there is a sprinkler system in that easement. Most of the time we never hear from the residents and the first time we know there is a sprinkler system is when the back hoe comes back with pipe hanging off it. If we don't give proper notice, he is going to recommend we pay that claim because we didn't follow our own procedure.

Patton stated they were inconsistent with the revocable permits, but he does believe they were very clear of the risk involved to the resident.

Shanklin stated he pushed for that policy. If a resident is going to maintain that alley, he ought to be able to use it.

Warren stated the only solution to this easement problem is to let people do what they want to with their property. If they want to build a cabana in the rear of their house let them, but they have to understand that they do this at their own risk. The City Council has to have the fortitude to look at them and say sorry.

Patton stated that is where they are now.

Mayor Purcell questioned if the City Council wanted to give any guidance to staff or leave this issue alone.

Vincent suggested that staff investigate every claim and make the recommendation, which is the current process. This method gives the resident an opportunity to come before the City Council.

Warren stated if they have all the information and they are sure, they need to deny the claim.

32. Consider authorizing the Parks and Recreation Department to submit a formal bid to respective companies who provide solutions to rodent control. Exhibits: Letter of recommendation.

Kim Shahan, Parks and Recreation Director, stated back in July the City Council requested that he find a viable company that has been active in providing solutions in rodent control. Staff brought a company to Lawton and they made their assessment. He stated he is bringing that assessment to the City Council for direction.

Shanklin stated he brought up this issue because football and baseball participants were afraid someone was going to get injured. He stated this is too much money to spend.

Mayor Purcell stated that Mr. Shanklin has been around long enough to know how they used to solve the problem. Maybe that is the guidance they need to give staff. He stated Mr. Beauchamp is worried about someone getting hurt on all their ball fields by Lawton High.

Warren stated that these prairie dogs are rodents and they can't spend this kind of money, but they need to do something.

Mayor Purcell stated they know what they need to do to fix the problem and the City Council needs to tell the City Manager. He is assuming that no one is willing to spend \$200,000 for a one time removal of prairie dogs.

Warren stated at one time they had discussed a village for prairie dogs in the overall plan for Lake Helen. He questioned if this was still something they were looking at.

Shahan stated there is a location still available for them to keep a certain number of prairie dogs.

Mayor Purcell stated there is an area at the Oklahoma City zoo that keeps them in with a low wall. He clarified that the guidance to staff is that they not do an RFP to spend \$200,000.

Shahan stated with the amount of holes they have in the park and the amount of people that utilize that park in the years to come, they need to deal with the liability and safety issue.

Vincent stated the holes need to be dealt with from a liability standpoint.

Mayor Purcell stated he believes that staff has the message and they know what to do.

Drewry questioned if this was the only company that staff found that deals with this issue.

Shahan stated this was the only company that does this at this level.

Mayor Purcell questioned if they would train city staff.

Shahan stated this amount is based on 100% removal.

Jackson stated he does not believe we can ever get rid of them. They are everywhere and we will never get rid of them unless we take appropriate action.

33. Consider approving the proposed placement of City of Lawton job titles within grades in the previously approved job classification categories. Exhibits: Job categories with job titles and suggested grade placements.

This item was stricken.

34. Discuss and take appropriate action on a request to consider participating in the cost of installation of Fire Hydrant at Ci Ci s Pizza (1222 NW Sheridan Road). Exhibits: Letter dated July 21st, 2006 from Mr. Robert Garriott.

Buckley stated upon the review of the request and with review of the code, the code provides that a fire hydrant is required at that location and that is the staff recommendation. It is usually the responsibility of the property owner and not the residents of the city.

Robert Garriott, representing Ci Ci s Pizza, stated is a pleasure to be operating back in Lawton. He is requesting assistance with putting in this fire plug. He stated this area has been developed for many years and many businesses have come and gone and no business has been required to put in the fire plug. He feels that there will be many other businesses that will benefit from this plug. He has an estimate of \$6,150 to put the plug in and he is asking for assistance.

Shanklin questioned what a fire plug costs.

Patton stated he is not in a new building and there was a business previously in that space. He questioned why they need the plug.

Mark Mitchell, Fire Marshall, stated Mr. Garriott has changed uses in that space. It was a business space before. When he conducts the review he looks at the fire protection assets and accessibility and realized there were no hydrants from the entrance to WalMart on the west side of Sheridan Road all the way north to Cache Road. There is a large area there that is deficient with regards to hydrant placement. The change of use is what has caused the requirement at this time, but that hydrant will also benefit those businesses in that strip center and to the north.

Shoemate questioned if that cost could be shared by businesses both north and south.

Warren stated he does not doubt that they need the hydrant and he would support helping this business. He does not believe that they will get any help from any of the other businesses.

Shanklin stated he doesn t have any problem helping, but he does not think it will cost \$6,000.

Mr. Garriott stated that is the bid he has from Wichita Mechanical.

Jackson questioned if Mr. Garriott owned the building or does he lease.

Mr. Garriott stated he leases the space.

Jackson stated he does not understand why the owner of the shopping center is responsible for putting the plug in.

Mr. Garriott stated the owner told him it was on his permit and he should bear the burden. For him to operate there he must put this in.

Jackson stated that he feels the owner of the shopping center should be responsible.

Shanklin stated he feels the same way.

Mayor Purcell stated the owner will come back and request the same thing.

Vincent questioned if they were under a time line.

Buckley stated a temporary Certificate of Occupancy (CO) has been issued and there is a time frame in regards to compliance of the CO.

Vincent stated he would suggest getting with Public Works staff to find out what it costs us to put in a fire plug. We have been involved in a similar situation where we had a cost share, they bought the fire plug, and we did the labor. He requested they table this item and let staff get with Mr. Garriott and look at a solution.

Givens questioned if they need to extend the CO.

Buckley stated he does not know if Mr. Garriott is pushing that time frame.

Mitchell stated Mike Jones has agreed to Mr. Garriott s request for a conditional CO and that would not be a problem. At that time he had to have assurance that the plug would be put in by someone.

Warren stated they need to make sure they do this the least expensive route.

Drewry stated she does not feel it should be solely the responsibility of Mr. Garriott.

Mayor Purcell clarified that the City Council would like to share in this cost and direct staff to come up with the best way to share part of this cost with Mr. Garriott.

MOVED by Shanklin. SECOND by Warren, to table this item and direct staff to look at sharing the cost. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Warren. NAY: None. MOTION CARRIED.

35. Consider an ordinance amending Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by adding a fourth area to be serviced by the semi-automated refuse collection, providing for severability and declaring an emergency. Exhibits: Ordinance 2006- ___ and Location Map.

MOVED by Jackson, SECOND by Givens, to approve **Ordinance 06-65**, waive the reading of the ordinance, read the title only. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-65

An ordinance pertaining to utilities amending Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by adding a fourth area to be serviced by the semi-automated refuse collection, providing for severability, declaring an emergency.

36. Consider adopting an ordinance pertaining to Business amending Section 7-24-4-2461, Division 7-24-4, Article 7-24, Chapter 7, Lawton City Code, 2005, by modifying the types of vehicles allowed to operate as taxicabs and providing for severability. Exhibits: Ordinance No. 06-__.

Vincent stated this ordinance reorganizes the current ordinance and adds SUV s as an allowed vehicle as long as it has appropriate barriers between the luggage compartment and the passenger compartment.

MOVED by Jackson, SECOND by Warren, to approve **Ordinance 06-66**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-66

An ordinance pertaining to business amending Section 7-24-4-2461, Division 7-24-4, Article 7-24, Chapter 7, Lawton City Code, 2005, by modifying the types of vehicles allowed to operate as taxicabs and providing for severability.

ADDENDUM:

1. Consider approving a resolution establishing the National Incident Management System (NIMS) as the standard for incident management in the City of Lawton. Exhibits: Resolution 06-__.

Derrell Morgan, Emergency Management Coordinator, stated the Department of Homeland Security for Oklahoma had put out a package to the COG s to distribute to all of the jurisdictions within their areas. He stated there are a few things that Homeland Security wants for us to do. One is a resolution saying we utilize NIMS and we agree that NIMS and the incident command system is the way we need to handle our emergencies. The fire, police and public works departments have already taken a lot of that training and they are already implementing that training. There other things that we need to do are meet some training requirements, which we have already met. Another thing is typing on equipment, which would mean take the assets that we have that fall under the specific types that they feel are critical and put that into a database so that if there is a major incident, Homeland Security will know what we have available. He stated tonight all they are trying to do is to pass the resolution.

Givens questioned who would be the point of contact.

Morgan stated that for now, he would be the best person as the Emergency Manager.

MOVED by Givens, SECOND by Jackson, to approve **Resolution 06-150**, establishing the National Incident Management System as the standard for incident management in the City of Lawton and designating Derrell Morgan as the Local Point of Contact. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Warren, Shoemate. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry stated that on September 26th there will be a concert featuring Edgar Cruz. Dan Mullins is underwriting the cost and all proceeds go to the Boys and Girls Club.

Jackson stated he still does not understand why gasoline prices in Oklahoma City can be .23 a gallon cheaper than they are here.

Warren stated he has had numerous phone calls and he has directed people to call the Attorney General s office and request an investigation.

Shanklin stated he has a problem with School House Slough. He wants to know how big the new restroom is. He understood we paid \$300,000 for it and if so, we need an investigation. They just can t let these people rob us like that. He stated the restroom is nothing but pure vanilla.

Shahan stated the majority of that money was for the lagoon system.

Shanklin stated he would like to see the costs broken down. He stated there are also people living out there on a permanent basis. He questioned if we were paying for their electricity. He stated there are people living out at Robinson s Landing. We should not be paying for their electricity.

Shahan stated as they pursue a concessionaire at Robinson s Landing, some of the issues will be addressed.

Shanklin stated it looks like a third world country in some of those places.

Shoemate stated they still get unlimited water along with the electricity.

Shahan stated that is a part of their fee.

Shanklin stated he is concerned about 2nd Street. He questioned if we did something in regards to the development of 2nd Street. Are we going out for an RFP?

Givens stated they did issue an RFP to find a developer.

Shanklin questioned if we were going to tell the developer, who wants to invest \$3-4 million, how to build it and what it should look like.

Mayor Purcell stated they have gone out for a Request for Qualifications from companies that they have on a list that do this type of development. This includes Lawton Urban Renewal Authority (LURA), Lawton Economic Development Authority (LEDA) and the Chamber of Commerce. Once those qualifications are in, they will then go out for a Request for Proposal (RFP) which will show what it will look like.

Shanklin stated that we are going to tell them what the stores will look like.

Givens stated Councilmember Shanklin is talking about the overlay ordinance.

Shanklin questioned if they were wasting their time.

Givens stated most developers want this. If they had a \$500 million investment, they want to be sure that what they put their will not be changed.

Shanklin stated there is no common sense in this. He questioned who had time to do this.

Givens stated they do this in developments all over the country. He stated they had the same kind of specifications and requirement for bricktown.

Warren stated any time you have a development, you have to tell the people what you want to happen. They want to know this information.

Shanklin stated he cannot believe we are going through this exercise. He questioned if we were reducing 2nd Street to two lanes of traffic.

Givens stated no, they will just be narrower, they are not reducing the number of lanes.

Shanklin stated common sense tells him we are not addressing this correctly.

Givens stated they have been discussing this for a year and a half.

Shanklin stated they did not have all of this to start with. It has been one little bite after another.

Givens stated they have had numerous public hearing, meetings, LURA has met, they have seen the plans.

Shanklin questioned how many people they are going to have to hire to go over and see to it that this is done.

Givens stated they are not voting on this tonight, it will come back in a few weeks.

The Mayor and Council convened in executive session at 8:32 p.m. and reconvened in regular, open session at 9:50 p.m.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the consolidated lawsuit, in the Comanche County District Court, Comanche County Rural Water District No. 1, et al vs. City of Lawton and Lawton Water Authority, Case No. CJ-2003-928; and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 37 shown above. He said the Council did receive a briefing on the pending litigation. The case is scheduled to go to trial in Comanche County District Court at 9:00 a.m. on October 10, 2006. No action is required.

38. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending Oklahoma Water Resources Board application of Edward A. Hilliary, Jr., #2003-599, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 38 shown above. He said the Council did receive a briefing on the hearing that took place at the Oklahoma Water Resources Board. The Board tabled the item and it will be reconvened at the November meeting. No action is required.

39. Pursuant to Section 307B.3, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the purchase of property which is necessary for the West Cache Road 24 Waterline Phase II Project #2005-8 and, if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 39 shown above. The Council was briefed on an offer that was made by one of the property owners.

MOVED by Drewry, SECOND by Jackson, to reject all offers. AYE: Shanklin, Patton, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

40. Pursuant to Section 307B.1, Title 25, Oklahoma Statues, consider convening in executive session to discuss the evaluation review of Michael Corrales, Municipal Judge, and if necessary, take appropriate action in open session. Exhibits: None

Mayor Purcell read the title of item 40 shown above. No action is required.

There being no further business to consider, the meeting adjourned at 9:53 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK